

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona
Heather J. McDonald
Kimberly M. Maynard

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ALAN AND JANET WINTERS FAMILY
PARTNERSHIP LTD.;

WINTERS MANAGEMENT TRUST, in its
capacity as GENERAL PARTNER of the ALAN

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04808 (SMB)

AND JANET WINTERS FAMILY
PARTNERSHIP LTD.;

ALAN WINTERS, in his capacity as TRUSTEE of
the WINTERS MANAGEMENT TRUST and
INDIVIDUALLY as SUBSEQUENT
TRANSFeree; and

JANET WINTERS, in her capacity as TRUSTEE
of the WINTERS MANAGEMENT TRUST and
INDIVIDUALLY as SUBSEQUENT
TRANSFeree,

Defendants.

NOTICE OF MEDIATOR SELECTION

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)¹ [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on December 1, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, on May 15, 2014 the Trustee filed with this Court the Notice of Mediation Referral [Dkt. No. 21], wherein the Trustee and Defendants Alan and Janet Winters Family Partnership, Ltd., Winters Management Trust, Alan Winters, and Janet

¹ All terms not defined herein shall be given the meaning ascribed to them in the Order.

Winters (the “Parties”) jointly agreed to enter mediation prior to or upon completion of discovery without further court order.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Parties upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select from the Mediation Register Keith N. Costa, from the law firm of Dilworth Paxson LLP, to act as Mediator in this matter. The Parties further agree to contact Keith N. Costa as soon as practicable after this Notice of Mediator Selection is filed with the Court.

The Parties further agree that no person shall act as Mediator if that person, or that person’s law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

Dated: New York, New York
July 9, 2014

/s/ Heather J. McDonald

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehand@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com
Heather J. McDonald
Email: hmcDonald@bakerlaw.com
Kimberly M. Maynard
Email: kmaynard@bakerlaw.com

/s/ Jeffrey L. Bernfeld

Bernfeld, DeMatteo & Bernfeld, LLP
600 Third Avenue, 15th Floor
New York, NY 10016
Telephone: (212) 661-1661
Facsimile: (212) 557-9610
David B. Bernfeld
Email: dbblaw@hotmail.com
Jeffrey L. Bernfeld
Email: jeffreybernfeld@bernfeld-
dematteo.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*

*Attorneys for Alan and Janet Winters Family
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